

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NORTH PENN TOWNS, LP, directly and as
assignee of Philmont Country Club,**

Plaintiff,

v.

CONCERT GOLF PARTNERS, LLC, et al.,

Defendants.

CIVIL ACTION

NO. 19-4540-KSM

ORDER

AND NOW, this 12th day of August, 2021, upon consideration of Defendants' Motion to Dismiss (Doc. No. 13), Plaintiff's response (Doc. No. 17), Defendants' reply (Doc. No. 21), Plaintiff's sur-reply (Doc. No. 22), Plaintiff's supplemental authority (Doc. No. 33), the parties' oral arguments on the motion, and the parties supplemental letter briefs (Doc. Nos. 50, 52), and for the reasons set forth in the Memorandum, it is hereby **ORDERED** that Defendants' motion is **GRANTED** with respect to Plaintiffs' federal antitrust claims (Counts I and II); the fraud in the omission and fraudulent concealment claims; the fraud claim asserted against Ridgewood, Plotnick, and Grebow (Count III); the fraud claim asserted against CGP and Nanula (Count V) to the extent it is based on representations about the riskiness of developing the Property or retaining 27 holes of golf; the aiding and abetting fraud claims (Counts IV and VI); and the civil conspiracy claim (Count VIII). Defendants' motion is **DENIED** with respect to the remainder of its arguments (i.e., the breach of contract claim against Ridgewood and the fraud claim asserted against CGP and Nanula to the extent it is based on CGP's representation about capital improvements).

IT IS FURTHER ORDERED that in light of the Court's decision, the stay currently in place (Doc. Nos. 20, 30, 40) is lifted, and a telephone conference to discuss scheduling and other

pretrial matters is **SCHEDULED** for **August 31, 2021 at 9:00 a.m.** At least seven (7) days prior to the conference, the parties should submit a joint status report with proposed scheduling deadlines.

IT IS SO ORDERED.

/s/KAREN SPENCER MARSTON

KAREN SPENCER MARSTON, J.